

REMARKS

Reconsideration of this application is respectfully requested in light of the foregoing amendments and the following remarks.

Each of claims 1, 4, 6, 9, and 13 has been amended for reasons unrelated to patentability, including at least one of: to explicitly present one or more elements implicit in the claim as originally written when viewed in light of the specification thereby not narrowing the scope of the claim, to detect infringement more easily, to enlarge the scope of infringement, to cover different kinds of infringement (direct, indirect, contributory, induced, and/or importation, etc.), to expedite the issuance of a claim of particular current licensing interest, to target the claim to a party currently interested in licensing certain embodiments, to enlarge the royalty base of the claim, to cover a particular product or person in the marketplace, and/or to target the claim to a particular industry.

Claims 15-20 have been added. Claims 1-20 are now pending in this application. Claims 1, 4, 6, 9, and 13 are the independent claims.

I. The Obviousness Rejections

Claims 1-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of Ellinas (U.S. Patent No. 6,331,905). These rejections are respectfully traversed.

Ellinas does not establish a *prima facie* case of obviousness. “To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure.” See MPEP § 2143.

To the extent that official notice is taken to support the rejection, Applicants respectfully traverse and request citation and provision of a reference that supports the rejection. See MPEP 2144.03. In particular Applicant requests citation and provision of a reference that supports “[o]ther claimed feaatures are all obvious variations of the well known techniques of sonet fault tolerant networking art.” See Office Action Page 3, paragraph 6.

A. Independent claims 1, 4, 9, and 13

Ellinas allegedly recites “**each link between two network nodes contains two working fibers operating in opposite directions and two protection fibers operating in opposite directions**”. See col. 5, line 66 through col. 6, line 2.

Independent claim 1 recites “at least a first and second adjacent nodes **only linked by a protection link**”. Ellinas does not expressly or inherently teach or suggest “at least a first and second adjacent nodes **only linked by a protection link**”.

Independent claim 4 recites “a first group **linked** to a second group **only by a predetermined protection link**”. Ellinas does not expressly or inherently teach or suggest “a first group **linked** to a second group **only by a predetermined protection link**”.

Independent claim 9 recites “**service links** between two or more adjacent nodes of the ring network, but **not between adjacent nodes of different groups**”. Ellinas does not expressly or inherently teach or suggest “service links between two or more adjacent nodes of the ring network, but not between adjacent nodes of different groups”.

Indpendent claim 13 recites “a first group and a second group **linked only by a predetermined protection link**”. Ellinas does not expressly or inherently teach or suggest “a first group and a second group **linked only by a predetermined protection link**”.

Thus, Ellinas does not expressly or inherently teach or suggest every limitation of independent claims 1, 4, 9, and 13 and consequently fails to establish a *prima facie* case of obviousness.

B. Independent Claim 6

Ellinas allegedly recites “[v]ertices 203 and 221 (representing network nodes) are attached to bridge links because they are connected to the rest of the graph (representing the network) **only through one link**. **If the link** that connects network node 203 to network node 205 in the corresponding network **is severed**, it would **not be possible to transfer** the necessary **information** in a protection cycle without repairing the faulty link. Col. 8, lines 39-46.

Independent claim 6 recites “for operating an end node of a group of a plurality of groups of contiguous nodes in a fault-tolerant ring network, the **end node** being **one of two nodes** in the group that is **adjacent to only one other node of the group**: transmitting and receiving a first type of data to and from the other node when a fault is not detected; and **transmitting and receiving** the first type of data **to and from an end node of an adjacent group when the fault is detected**”. Because Ellinas allegedly recites “vertices... connected to the ... network... **only through one link**” and if “the link ... is severed” it is **not** “**possible to transfer the necessary information**”, Ellinas can not teach “**transmitting and receiving** the first type of data **to and from an end node of an adjacent group when the fault is detected**”.

Thus, Ellinas does not expressly or inherently teach or suggest every limitation of the independent claim 6. Consequently, Ellinas fails to establish a *prima facie* case of obviousness.

C. Summary

Because no *prima facie* rejection of any independent claim has been presented, no *prima facie* rejection of any dependent claim can be properly asserted. Consequently, reconsideration and withdrawal of the rejections of claims 1-14 is respectfully requested.

II. Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter:

None of the references of record alone or in combination disclose or suggest the combination of limitations found in the independent claims. Namely:

- A. claims 1-3 are allowable because none of the references of record, alone or in combination, disclose or suggest “in a fault-tolerant ring network comprised of a plurality of nodes with adjacent pairs of nodes linked by at least one of a service link and a protection link, with at least a first and second adjacent nodes only linked by a predetermined protection link”;
- B. claims 4-5 are allowable because none of the references of record, alone or in combination, disclose or suggest “dividing the nodes into groups comprising a first group linked to a second group, the first group comprising a first end node and the second group comprising a second end node, wherein the first end node and the second end node are linked only by a predetermined protection link”;
- C. claims 6-8 and 15 are allowable because none of the references of record, alone or in combination, disclose or suggest “for operating an end node of a group of a plurality of groups of contiguous nodes in a fault-tolerant ring network, the end node being one of two nodes in the group that is adjacent to only one other node of the group: transmitting and receiving a first type of data to and from the other node when a fault is not detected; and transmitting and receiving the first type of data to and from an end node of an adjacent group when the fault is detected”;

- D. claims 9-12 and 16-20 are allowable because none of the references of record, alone or in combination, disclose or suggest “service links between two or more adjacent nodes of the ring network, but not between adjacent nodes of different groups”; and
- E. claims 13-14 are allowable because none of the references of record, alone or in combination, disclose or suggest “a predetermined protection link between an end node of a first group and an adjacent node of a second group, the end node and the adjacent node linked only by the predetermined protection link”.

CONCLUSION

It is respectfully submitted that, in view of the foregoing amendments and remarks, the application as amended is in clear condition for allowance. Reconsideration, withdrawal of all grounds of rejection, and issuance of a Notice of Allowance are earnestly solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. §1.16 or §1.17 to Deposit Account No. 50-2504. The Examiner is invited to contact the undersigned at 434-972-9988 to discuss any matter regarding this application.

Respectfully submitted,

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